

2161/1Fu

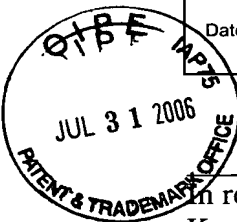
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 27, 2006

Signature: \_\_\_\_\_

(Robert B. Cohen)

Docket No.: SONYJP 3.3-412  
(PATENT)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kawate et al.

Serial No.: 10/573,120

Group Art Unit: N/A

Filed: March 23, 2006

Examiner: Not Yet Assigned

For: RECORDING APPARATUS,  
REPRODUCTION APPARATUS, FILE  
MANAGEMENT METHODS, FILE  
MANAGEMENT METHOD PROGRAMS AND  
RECORDING MEDIUMS FOR RECORDING  
FILE MANAGEMENT METHOD PROGRAMS

**COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed please find the International Preliminary Report on Patentability.

In the event there are any fees due and owing in connection with this matter,  
please charge same to our Deposit Account No. 12-1095.

Dated: July 27, 2006

Respectfully submitted,

By \_\_\_\_\_

Robert B. Cohen

Registration No.: 32,768

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP

600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference S04P1307	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/JP2004/011030	International filing date ( <i>day/month/year</i> ) 27 July 2004 (27.07.2004)	Priority date ( <i>day/month/year</i> ) 25 September 2003 (25.09.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant SONY CORPORATION		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 26 June 2006 (26.06.2006)
Facsimile No. +41 22 338 82 70	Authorized officer  <div style="text-align: center; font-weight: bold;">Yoshiko Kuwahara</div> e-mail: pt07@wipo.int

# PATENT COOPERATION TREATY

TRANSLATION

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

Date of mailing  
(day/month/year)

Applicant's or agent's file reference

**S04P1307**

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/JP2004/011030**

International filing date (day/month/year)

**27.07.2004**

Priority date (day/month/year)

**25.09.2003**

International Patent Classification (IPC) or both national classification and IPC

Applicant

**SONY CORPORATION**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/011030

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

\_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐

In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2004/011030

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
<b>1. Statement</b>			
Novelty (N)	Claims	1-52	YES
	Claims		NO
Inventive step (IS)	Claims	29-52	YES
	Claims	1-28	NO
Industrial applicability (IA)	Claims	1-52	YES
	Claims		NO
<b>2. Citations and explanations:</b>			
<p>Document 1: JP 2002-278996 A (Sony Corporation), 27 September 2002, paragraphs 88-90, Fig. 5 &amp; US 2003/0182297 A1 &amp; EP 1372087 A1</p> <p>Document 2: JP 3-141090 A (NEC Home Electronics, Ltd.), 17 June 1991, page 3, upper right column lines 2-11, page 3, lower right column line 20 to page 4, upper left column, line 14, Fig. 1 (Family: none)</p> <p>Document 3: JP 3092612 Z2 (Funai Electric Co., Ltd.), 25 December 2002, paragraph 5 (Family: none)</p> <p>The inventions of claims 1-9 do not appear to involve an inventive step over document 1 (paragraphs 88-90) and document 2 (page 3, upper right column lines 2-11, page 3, lower right column line 20 to page 4, upper left column, line 14), cited in the ISR. Document 1 describes an index file (index data atom) formed by a series of entries of blocks of excerpted information (text and thumbnail images) related to files associated with files (AV files). Document 2 describes a configuration providing a data length (information on a file size) expressing the size of a file to an index file. It would be easy for a person skilled in the art to set the information on the file size described in document 2 to the index file described in document 1.</p> <p>The inventions of claims 10-18 do not appear to involve an inventive step over document 1 and document 2. Document 2 describes a technology for recording to an index file in a group excerpted information (scene titles and audio titles) of a plurality of files as a single entry, for the plurality of files (scene information and audio information) processed simultaneously during playback. It would be easy for a person skilled in the art to apply the technology described in document 2 to the index file described in document 1.</p>			

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/011030

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V.2

The inventions of claims 19-28 do not appear to involve an inventive step over document 1 and document 3 (paragraph 5). Document 3 describes a technology in which an opening screen (video file) is played back before displaying a menu screen (index screen).

It would be easy for a person skilled in the art to set to the index file the information indicating the video file by applying the technology of document 3 to the index file described in document 1.

The inventions of claims 29-52 are neither described in any of the documents cited in the ISR, nor are they obvious to a person skilled in the art.